

**WSGL WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP**

*Intellectual Property Law*  
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**SEP 19 2005**

**FACSIMILE COVER SHEET**

DATE: September 19, 2005

TO: Examiner Jeffrey A. Smith  
 TC Art Unit: 3625

Fax No.: (571) 273 8300

FROM: Thomas O. Hoover

No. of pages transmitted  
 (including this page): 2

Our File: BIIH-001AX

Time:

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Sent by: Tanya

Application No. 09/307,195

Filed Date: May 7, 1999

Confirmation No.: 4520

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 MESSAGE

PLEASE DELIVER DIRECTLY TO:  
 EXAMINER Jeffrey A. Smith, Tel. 703-308-3588  
 TC ART UNIT NO: 3625

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**SEP 20 2005**

**FOR ENTRY**

Enclosed for filing please find a Notice of Appeal.

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.

  
 Attorney for Applicant: Thomas O. Hoover  
 Registration No. 32,470

326748-1

THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY FOR THE PERSON(S) IDENTIFIED ABOVE. IF IT HAS BEEN RECEIVED AT ANY OTHER PLACE OR HAS NOT BEEN CLEARLY RECEIVED, PLEASE CALL THE ABOVE IDENTIFIED SENDING PARTY COLLECT FOR INSTRUCTIONS. DO NOT SHOW OR DISTRIBUTE THIS MESSAGE TO ANYONE OTHER THAN THE INTENDED RECIPIENT(S). THANK YOU.

09/19/2005 11:33 FAX 6176950892

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Rev 09/03

SEP 19 2005

Application: 09/307,195  
Filed: 05/07/1999  
TC Art Unit: 3625  
Confirmation No.: 4520

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP  
Ten Post Office Square  
Boston, Massachusetts 02109  
Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

Date: September 19, 2005

Attorney  
Docket No.: BIH-001AX

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of: William Cohn

Entitled: SURGICAL RETRACTOR

VIA FACSIMILE

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated March 24, 2005 of the Examiner finally rejecting claims 1-14, 16, 17, 25-36 and 41-50.

The Commissioner is authorized to charge payment of \$500.00 to Deposit Account No. 23-0804 for the cost of the Notice of Appeal.

The following checked items are appropriate:

A timely response to the final rejection:

[ ] has been filed [ ] is hereby filed

An extension of time to respond to the final rejection:

1. [ ] was requested on \_\_\_\_\_ for \_\_\_\_ month(s);
2. [X] is hereby requested for 3 month(s) and the Commissioner is authorized to charge payment of \$1,020.00 to Deposit Account No. 23-0804.
3. [ ] is included on the enclosed amendment transmittal form along with a check in the amount of \$ \_\_\_\_\_ for the extension fee.

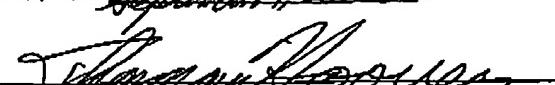
[ ] In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.

[X] The Commissioner is hereby authorized to charge payment of any additional filing fees under \$1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Jeffrey A. Smith, TC Art Unit 3625, Fax No. (571) 273 8300, on September 19, 2005.

09/20/2005 MAHMEDI 00000113 230804 09307195

01 FC:1401 500.00 DA  
02 FC:1257 1020.00 DA

  
Attorney of Record: Thomas O. Hoover  
Registration No.: 32,470